



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Paul S. Enfield	)	Art Unit:	3627
Serial	09/902,923	)	Examiner	Joseph A. Fischetti
No.		)		
Filed:	July 10, 2001	)	Cust. No.	22931
For:	INFORMATION,	)	Attorney	
	DIRECTORY,	)	Ref. No.:	P113836
	LOCATION AND			
	ORIENTATION SYSTEM			
	FOR RETAIL STORES			
	AND THE LIKE			

DECLARATION

I, Philip Hageman, having a home address of 2602 Dakin Street, Bellingham, WA, 98226, state the following:

1. I graduated from the University of Washington in 1979 with a BS Degree in construction management and have been working in the construction industry since that time. I began working as an estimator and eventually transitioned into working as both an estimator and a project manager. I am now one of three co-owners and a corporate officer of a construction contracting company, and I still do work as both an estimator and a project manager. On the basis of my experience in the building industry, my personal involvement in various construction projects and making purchases of building products in building supply stores, I believe I have a reasonable familiarity with most aspects of the construction industry, including selling and purchasing of a wide variety of construction related products.

2. I have been asked by Mr. Robert Hughes, who I understand is the patent attorney who prepared the above noted patent application of Mr. Paul Enfield, to provide comments on certain matter relating to that patent application. More specifically, I was asked to comment on U.S. patent 5,297,685 (Ramey) as to how this might relate to the system described in Mr. Enfield's patent application.

3. Mr. Hughes explained to me the basic subject matter of Mr. Enfield's system, as described in the patent application, and he also showed me drawings of the patent application which illustrate the system. As I understand the practices in the grocery store industry, the usual system that has been used (and still is used) in grocery supermarkets for many years is that near the two ends of each aisle and possibly other locations, there are word signs that would often be placed eight to ten feet above the floor. The word signs identify at least some of the products or types of products that are in the aisle. There is no attempt to try to list each and every item in the aisle, only some of them. At least some of the items listed identify a broader category. From this signage, a customer can get a fair idea of the location of other products which would be related to those listed on the signage, in that they usually appear in the same parts of the store as the listed products.

4. In Paul Enfield's system that is described in the patent application, my understanding is that there are grocery product displays at the end of each aisle and possibly elsewhere. Each display will show from eight to twelve brand name food products as they appear in their actual containers with the graphics on the containers or other packaging (including bottles and cans). In other words, these are representations of the products as they actually appear on the shelf.

5. Also, word signs could be positioned adjacent to this group of the brand name food product representations, or the group of brand name products could be simply by themselves. By looking at these specific brand name product representations, the shopper would also be able to draw conclusions as to what products would be in that same aisle. Also, Mr. Hughes advises me that in the studies they have done thus far, the display of the actual brand name food products with their complete packaging and graphics serves as what Mr. Hughes called ,“memory hooks” so that the person can better remember what is in each aisle of the store. The overall goal is to facilitate the ability of the shopper to make his purchases much more effectively as he travels through the various aisles of the store.

6. From what Mr. Hughes tells me, I would summarize that the basic concept is that there may be a large number of grocery products in a particular aisle of a store, and to enable the shopper to obtain an idea of what is in that aisle, there are shown a number of brand name product representations (including the graphics and packaging) that would be typical of (or related to) the types of products that would be in the same aisle as the brand name products displayed. Thus, with the experience of the shopper knowing what sort of products are located in the aisle or same part of the store the shopper would have a better idea of the products would likely be in that same location as the displayed products. Also, by showing the brand name products, the system takes advantage of the fact that shoppers are likely already familiar with a fair number of those brand name products that are displayed and therefore would have a better “memory hook” as to associating that particular collection brand name products with that aisle.

7. Now, with regard to Mr. Hughes' request that I comment on U.S. 5,297,685 (Ramey), I would initially like to review basically what is shown in the Ramey patent. First, this patent relates primarily to moldings that would be applied around windows, doors, or as base moldings, etc. In the drawings of the Ramey patent the moldings themselves are shown as elongate strips of molding, the lower ends of which are resting on a base location and extend upwardly to a height well above the eye level of the person who might be in that aisle.

8. There is shown in Fig. 4 of that patent a relatively large sign that is placed at the end of that aisle, and Mr. Hughes advises me that in the patent this is called a "directory". In this directory sign of Fig. 4 at the end of the aisle, there are six sections 14, 16, 18, 20, 22, and 24. Each section has a different color coding with section 14 being colored red (or a shade thereof), section 16 being colored blue (or a color thereof), etc. Then in each section 14-24, there is a listing of the moldings in that section. For example, in the first section 14 there is wording 28 identifying particular type of molding in that group, and there is an illustration 30 accompanying the wording and depicting the configuration of the molding (i.e. the cross sectional configuration). This same pattern is used in all six sections of the directory sign

9. Next, as shown in Fig. 1 and partially in Fig. 5 there are six location identification signs 36, 38, 40, 42, 44, and 46 at locations along the length of the aisle, and each sign shows the group identification (e.g. "windows and door") at the locations of the moldings shown in the corresponding six sections 14 to 24 that appear on Fig. 4, with the color coding on each group shown in the directory Fig. 4, appearing in the corresponding signs 36-46. Thus, when the person identifies the specific

molding that he wants, he can identify the color coding of the directory section (i.e. 14-24), and then go to the corresponding color coded location sign 36-46 along the aisle.

10. Then at each aisle sign location 36-46, there is a corresponding one of the article location identifier panels 50, 52, 54, 56, 58 and 60. These panels, 50-60 appear in Fig. 1, and in Fig. 2 there is an enlarged drawing of the article location identifier panel 50. Each of these display panels 50-60 shows the specific moldings in each of the sections 36-46. This is shown in Fig. 2 where there is an upper heading of "Window & Door" and below that there is shown "Colonial Close", "Ranch Casing", "Ranch Stop", and there are six other blank locations on that sign of Fig. 2 which presumably list other types of molding. Then in Fig. 3 there is shown an enlargement of the third item in Fig. 2 which is "ranch casing". It can be seen that there is the name of that molding, a drawing of its cross section, and also its dimensions which in this case is 1 1/16 by 2 and 1/4 inches.

11. As Mr. Hughes was explaining this to me and as we perused through this several pages of drawings in the Ramey patent, I made the observation to Mr. Hughes that the overall theme or arrangement of this Ramey patent is that we start with a rather broad category of moldings. Then the next step is to go to in the directory sign in Fig. 4 and narrow the selection down to one of the six groups 36-46 shown in directory sign of Fig. 4. Then the third step gets more specific and we go to a specific molding that is in that group.

12. So let us now trace the steps that the shopper takes when he is looking for a specific molding, and as an example, we will assume for the moment that he is looking for a particular type of a base molding. The first step would be to look at the aisle location where moldings are displayed,

and he finds this aisle which as shown in the Ramey has the word "mouldings" (i.e. the British spelling for what in the U.S. as "molding"). Then he sees there are six groups and he selects the group entitled "BASE". After that he looks at the particular types of moldings that are shown in the "BASE" group of the directory sign, the shopper identifies either the word designation for the particular molding that he wants or selects the cross sectional configuration of that molding. Each of these group designations in the directory sign have a color coding, and in this case the group for "BASE" moldings 18 is colored green or a shade of green. The next step is to move down the aisle where it can be seen in Fig. 1 that about half way down the aisle, there is the sign 40 reading "BASE". Then when the person arrives at that particular location (and he can verify that is the correct location by the color coding), he looks at the specific display panel such as shown in Fig. 2 and finds the particular molding he desires. This particular representation of the molding, such as shown in Fig. 3, would give the proper name of the molding, it's cross sectional configuration, and its actual dimensions. That's the overall process, going from the more general to the more specific.

13. At the same time that I was making my observations to Mr. Hughes about my overall impression about the basic theme of the Ramey patent, I also stated that it is exactly the opposite from what is done in the system in Paul Enfield's patent application.

14. Then I went back to the system of patent application of Paul Enfield and I commented to Mr. Hughes that the system of Paul Enfield does just the opposite. In Paul Enfield's systems, there is shown a grouping of these specific brand name products which are in that aisle. Then when the person sees these specific items, he is able to visualize the

broader categories of products that would be related to these displayed brand name products with regard to where these might appear in the store. Mr. Hughes and I looked at Fig. 5 of the Paul Enfield patent application, I see the representation of a bottle of Tree Top Apple Cider, and from that I would deduce that I would quite likely find other types of bottled fruit juices or products in that same aisle. Then there is a can of V8 Juice and also a bottle of Gatorade plus a package of Kool-Aid. On the other side there is a bottle of mayonnaise, etc. This would broaden the spectrum of products I would expect to be in that aisle. In this way we are simply going from specific items, to broader categories of other grocery store products.

15. The next item which Mr. Hughes and I discussed was the significance of the drawings in the Ramey patent which are the cross sections of the moldings, and then the significance of the representations in the Enfield patent application where there are shown brand name products with packaging and graphics, plus the brand name. I will first discuss what I believe is be the significance of the drawings in the Ramey patent which are the cross sectional configurations of the moldings.

16. Mr. Hughes advises me that in the text of the Ramey patent it is mentioned that with the trend of the self service stores, where sales personnel are not readily available, it is necessary for the consumer to be able to readily locate the article he is seeking by himself. In this situation where we are dealing with the specific subject of moldings, I can see where this system of the Ramey patent would be of help. Also, I can see where there would be an advantage in giving not only the name of the molding, but also showing its cross sectional configuration. The purchaser may have forgotten the name of a particular type of molding or might not even know the proper name is for that molding, but he may be able to recognize

the shape of molding that he wants. Another factor is that with having the shape and size printed on the more specific sign (see Fig. 3 of the Ramey patent) the person does not have to attempt to look at the different pieces of molding. Since the molding as shown in Fig. 1 has its lower end on the lower support base and the upper end probably above the line of sight, the person would have to try to lift the entire strip of molding upwardly so that he could see whether it had the right configuration. Another consideration is that products such as moldings are normally not packaged, and it is not desirable to make any imprints or printings on the molding. In that instance, the specific molding sign which has the name, dimensions, and configuration of the molding would be desirable.

17. Now to get the specific question as to what is the significance of the function and use of the drawings in the system of the Ramey patent, the cross section drawings of each of the moldings is to give the purchaser specific information as to that type of molding, and also to correlate this with the name of that molding and also the dimensional information of that molding. As indicated earlier, the person shopping for the molding may have forgotten what the name is, or that person may remember the name and not remember the configuration. If he is talking on the telephone to someone to order more of that particular molding he would need to know the name. On the other hand, if he simply knows the name but doesn't know what the cross section configuration is, and all that is shown on that location where the molding is, he would have to find someone in the store to tell him whether that particular molding on the shelf is the one that is known by that name. Contrary to what is in the Enfield system, that representation of the cross section of the molding is to give information



about that specific type of molding and nothing else. It is not intended to have someone draw any broader conclusions.

18. Now I will return to answer Mr. Hughes' request that I comment on the relationship between the representations of the cross section configurations of molding in the Ramey patent and the representations in the Enfield system where the brand name product representations are grouped and presented in an aisle of the store. As far as I can see there is no relationship between the two. The subject matter of each set of representations are totally different, they serve a totally different purpose, they produce totally different results, and they function in totally different ways (in fact, as indicated earlier in opposite ways).

More specifically, these graphic representations of the Enfield system at the aisles of the store are intended to assist the shopper in having a familiarity with the total layout of the store as to what grocery store items are in what aisle. This is accomplished in the Enfield system by giving the person visual impressions of groups brand name products with which the shopper may already be familiar and which are representative of location related items.

Based upon previous experience in shopping in grocery stores, that person is not only advised as to the location of those particular items that are shown in the Enfield system, but also the probable location of many other related products that are usually found in proximity to those products displayed. Thus, information is transmitted, and also there are "memory hooks" so that this information can be remembered.

Thus, the person can get greater familiarity with the entire layout of the store, and this can happen in a way that is more convenient for the

consumer. All of the above features are totally absent in the cross sectional drawings of specific moldings in the Ramey patent.

I, Philip Hageman, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application thereon.

EXECUTED this 11<sup>th</sup> day of JULY, 2005.

  
Philip Hageman